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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/816,540

03/26/2001

Yoshiyasu Nakashima

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08/14/2006

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EXAMINER

POPHAM, JEFFREY D

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/816,540

Applicant(s)

NAKASHIMA ET AL.

Examiner

Jeffrey D. Popham

Art Unit

2137

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE: The amendment further limits the claims, so as to overcome embodiments of Treyz. Column 78, line 66 to Column 79, line 67 of Treyz teaches the use of a graphical interface in order to determine whether an audio file should be saved. The graphical interface appears on a user device (such as a laptop, PDA, etc. as shown in Column 10, lines 22-34, as well as elsewhere) while the user listens to the audio data. The user will then decide whether to save the audio data, and if the data is to be saved to the automobile personal computer and/or user device. This audio data can be downloaded to the automobile personal computer from a remote location, such as a server, and subsequently sent to the user device in order to facilitate this determination.

Continuation of 11. does NOT place the application in condition for allowance because: As described above, Column 78, line 66 to Column 79, line 67 of Treyz teaches what is in the (non-amended) independent claims. Applicant argues that in Column 20, line 62 to Column 22, line 45, there are not three devices involved in the communications, as claimed, and that in this section, there are only two devices involved: the web-based interface and the automobile personal computer. As seen in Treyz at Column 20, line 62 to Column 21, line 6, the automobile personal computer sends configuration information to the user device over a local wireless link. This is in the form of a web page, such as that shown in Figure 15. Column 22, lines 10-45 shows the use of this arrangement in order a new service/subscription from a remote service provider. The service provider will provide information to the automobile personal computer, such as services subscribed to and new services for which the user may wish to subscribe to. The user can determine whether or not to subscribe to this service and, if the user wishes to subscribe, the data regarding this subscription will be stored on the automobile personal computer and any data needed by the automobile personal computer will be downloaded and stored into the automobile personal computer. The use of a separate device, such as a laptop or handheld device (as opposed to using the automobile personal computer directly), is for the user's convenience and ease of use as seen in Column 22, lines 35-45. Applicant also argues that Column 45, line 46 to Column 46, line 29 of Treyz does not teach that data output from a merchant and received by the automobile personal computer is displayed on the wireless telephone so that a user can decide whether the displayed data should be stored. Perhaps the telephone does not display all relevant information on the screen, but the telephone in this scenario is the user's interface to the system, wherein the user will receive data and determine whether or not to store it. This determination is found in the completion of transactions, wherein the user will complete the transaction, and the transaction will then be stored in a report (Column 53, line 60 to Column 54, line 9). Another user interface is as shown in Column 45, lines 5-8, and can be a mobile wireless device operated in the interior of the automobile. As described above, the use of a user interface such as a laptop or handheld device increases ease of use of the system.